

## **REMARKS**

This Reply and Amendment is filed with an RCE and is intended to be fully responsive to the Office Action dated June 3, 2003.

An Advisory Action dated September 3, 2003 indicated that a response (filed on August 4, 2003) to the June 3 Office Action would not be entered because the proposed amendments "raise new issues that would require further consideration and/or search."

### **Claim Status**

Claims 57-82 were pending in the Application. Claims 57-67, 69-72, and 74-82 stand rejected. Claim 83 has been added. Claims 57, 70, 71, and 74 have been amended. Claims 57-83 are now pending in this Application.

### **Claim Rejections – 35 U.S.C. § 102**

On Page 2 of the Office Action, the Examiner rejected Claims 57-60, 67, 77 and 78 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,076,317 titled "LIGHTWEIGHT BRIDGE FOR OFFICE PANELLING SYSTEMS" issued on June 20, 2000 to Hellwig et al. ("Hellwig et al. '317").

The Examiner stated that Hellwig et al. '317 discloses:

The spline 5 of office panels 4 is interpreted as the claimed furniture, the bridge arrangement 6 is interpreted as the claimed utility beam movably attached to the office panels 4, the floor engaging column member 50 is interpreted as the claimed utility access extension, and the cavities formed by the members 60, 62 are interpreted as utility delivery zones. Because the trough 100 extends for the length of the bridge 6 from the panels 4 to the member 50 it is configured to supply utilities to the utility delivery zone.

Claim 57 is in independent form and recites a "system for use in a work space for one or more users and configured to distribute utilities away from at least one furniture element having a top section carrying the utilities into the work space" comprising, in combination with other elements, a "utility beam having a first end moveably coupled at or near the top section of the article of furniture and a second end projecting into the work space at an overhead position relative to users in the work space," and a "utility access extension coupled to the second end of the beam comprising a utility delivery zone" "wherein the beam and the extension are configured to supply utilities to the utility delivery zone so that users may gain access to utilities

routed through the furniture at a point away from the furniture.” Claims 58-60, 67, 77 and 78 depend from independent Claim 57.

Hellwig et al. '317 is directed to a “lightweight bridge for office paneling systems” having a “series of office panels 4 . . . connected in an end to end manner forming a spline to which bridge arrangement 6 or other office panels can extend in a perpendicular or angled manner” (see col. 2, line 65 to col. 3, line 1). The “bridge arrangement 6 provides visual privacy between two work stations, but does leave a gap, generally shown as 13, between a lower edge of the bridge arrangement and the floor” (see col. 3, lines 17-20; Figure 1). The “top of the bridge arrangement is positioned at the same height as the office panels 4 or at least at predetermined heights thereof (typically as a function of the elements)” (see col. 3, lines 20-23).

Hellwig et al. '317 does not identically disclose a “system for use in a work space for one or more users and configured to distribute utilities away from at least one furniture element having a top section carrying the utilities into the work space” comprising, among other elements, a “utility beam having a first end moveably coupled at or near the top section of the article of furniture and a second end projecting into the work space at an overhead position relative to users in the work space,” and a “utility access extension coupled to the second end of the beam comprising a utility delivery zone” “wherein the beam and the extension are configured to supply utilities to the utility delivery zone so that users may gain access to utilities routed through the furniture at a point away from the furniture” as recited in independent Claim 57. The rejection of Claim 57 over Hellwig et al. '317 is improper. Claim 57 is patentable over Hellwig et al. '317.

Dependent Claims 58-60, 67, 77 and 78, which depend from independent Claim 57, are also patentable. See 35 U.S.C. § 112 ¶ 4.

Applicants respectfully request withdrawal of the rejection of Claims 57-60, 67, 77 and 78 under 35 U.S.C. § 102(e).

#### **Claim Rejections – 35 U.S.C. § 103(a)**

##### **Independent Claim 57**

On Page 4 of the Office Action the Examiner rejected Claims 61-68 as being obvious over Hellwig et al. '317 in view of U.S. Patent No. 5,675,946 titled “PRIVACY SCREEN FOR OFFICE PANELLING SYSTEMS” issued on October 14, 1997 to Verbeek et al. (“Verbeek et al.”) and U.S. Patent No. 4,180,298 titled “Relocatable Furniture System” issued on

December 25, 1979 to Borgerson, Jr. ("Borgerson") under 35 U.S.C. § 103(a). On Page 5 of the Office Action the Examiner rejected Claims 67 as being obvious over Hellwig et al. '317 (a single reference).

The Examiner acknowledged that Hellwig et al. '317 does not disclose "the bridge 6 being configured for sliding movement along the spline 5 and the member 50 configured for rolling movement" and that "the bridge 6 and the member 50 connected to form an L-shape."

The Examiner stated that:

The cover 72 and outer slide 60 [in Verbeek et al.] are considered to be a horizontal rail mounted on the panel 5 and the other slides (i.e. the inner slide 56, and the intermediate slide 58) engage the outer slide 60. The inter-related slides 56, 58, 60 are interpreted as constituting a track.

The Examiner also stated that:

Borgerson discloses in figures 1 and 2, a cabinet 10 supported on a track horizontally mounted on a wall 12 and the cabinet 10 having casters 29, 30.

The Examiner concluded that:

it obvious to one of ordinary skill in the art at the time the invention was made to modify the bridge arrangement 6 of Hellwig so that it is configured for sliding movement along the spline 5 and to modify the member 50 to have vertically adjustable casters.

One of ordinary skill would modify the bridge arrangement 6 to slide along the spline 5 to provide a simple method to move the bridge arrangement along the spline 5.

Claims 61-68 depend from independent Claim 57 (as amended). Independent Claim 57 is not subject to a rejection under 35 U.S.C. § 103(a). By establishing patentability of independent Claim 57 under 35 U.S.C. § 103(a), any rejection of dependent Claims 61-68 under 35 U.S.C. § 103(a) would be overcome. See 35 U.S.C. § 112 ¶ 4.

Claim 57 (as amended) is in independent form and recites a "system for use in a work space for one or more users and configured to distribute utilities away from at least one furniture element having a top section carrying the utilities into the work space" comprising, in combination with other elements, a "utility beam having a first end moveably coupled at or near the top section of the article of furniture and a second end projecting into the work space at an

overhead position relative to users in the work space,” and a “utility access extension coupled to the second end of the beam comprising a utility delivery zone” “wherein the beam and the extension are configured to supply utilities to the utility delivery zone so that users may gain access to utilities routed through the furniture at a point away from the furniture.”

Hellwig et al. '317 is directed to a “lightweight bridge for office paneling systems.”

Verbeek et al. is directed to a “privacy screen for office paneling systems.” “The privacy screen 10 is moveable from the open position of FIG. 1 to the closed position of FIG. 2 where the workstation [9] is isolated from the hallway [11]” (see col. 2, lines 41-49).

Borgerson is directed to a “relocatable furniture system” including “caster mounted cabinets [that] may be rolled into engagement with a wall mounted support rail . . .” (see Abstract).

The “system for use in a work space for one or more users and configured to distribute utilities away from at least one furniture element having a top section carrying the utilities into the work space” recited in independent Claim 57 (as amended) would not have been obvious in view of Hellwig et al. '317, alone or in any proper combination with Verbeek et al. and/or Borgerson under 35 U.S.C. § 103(a). Hellwig et al. '317, alone or in any proper combination with Verbeek et al. and/or Borgerson does not disclose, teach or suggest a “system for use in a work space for one or more users and configured to distribute utilities away from at least one furniture element having a top section carrying the utilities into the work space” comprising, in combination with other elements, a “utility beam having a first end moveably coupled at or near the top section of the article of furniture and a second end projecting into the work space at an overhead position relative to users in the work space,” and a “utility access extension coupled to the second end of the beam comprising a utility delivery zone” “wherein the beam and the extension are configured to supply utilities to the utility delivery zone so that users may gain access to utilities routed through the furniture at a point away from the furniture.”

To transform the “bridge arrangement” of Hellwig et al. '317, the “privacy screen” of Verbeek et al. and/or the a “relocatable furniture system” of Borgerson into a “system for use in a work space for one or more users and configured to distribute utilities away from at least one furniture element having a top section carrying the utilities into the work space” (as recited in Claim 57) would require still further modification, and such modification is taught only by Applicants’ own disclosure. The suggestion to make the combination of Hellwig et al. '317,

Verbeek et al. and/or Borgerson has been taken from Applicants' own specification (using hindsight), which is improper.

The "system for use in a work space for one or more users and configured to distribute utilities away from at least one furniture element having a top section carrying the utilities into the work space" recited in independent Claim 57, considered as a whole, would not have been obvious in view of Hellwig et al. '317, Verbeek et al. and/or Borgerson. The rejection of Claims 61-68 over Hellwig et al. '317 in view of Verbeek et al. and/or Borgerson under 35 U.S.C. § 103(a) is improper. Therefore, Claims 61-68 are patentable over Hellwig et al. '317 in view of Verbeek et al. and/or Borgerson. See 35 U.S.C. § 112 ¶ 4.

Applicants respectfully request withdrawal of the rejection of Claims 61-68 under 35 U.S.C. § 103(a).

#### **Independent Claims 70 and 74**

On Pages 6 and 7 of the Office Action the Examiner rejected Claims 70-74 and 79-82 as being obvious over Hellwig et al. '317 in view of U.S. Patent No. 5,241,796 titled "Securing Bracket" issued on September 7, 1993 to Hellwig et al. ("Hellwig et al. '796") under 35 U.S.C. § 103(a). On Page 7 of the Office Action the Examiner rejected Claim 76 as being obvious over Hellwig et al. '317 in view of Hellwig et al. '796 and Verbeek under 35 U.S.C. § 103(a).

The Examiner acknowledged that: "Hellwig (USPN: 6,076,317) does not disclose mounting a light fixture on the bridge 6."

The Examiner stated that: "Hellwig (USPN: 5,241,796) discloses in figure 1 and in column 4, lines 4-7, mounting a light on a panel, and the light having a shade. The light is interpreted as a light fixture and the shade as a small canopy." The Examiner also stated that: "Hellwig (USPN: 6,076,317) discloses cavities formed by the members 60, 62 that are the utility delivery zones. These cavities are both on and in the member 50."

The Examiner concluded that: "it obvious to one of ordinary skill in the art at the time the invention was made to mount a light having a shade on the bridge 6 of Hellwig (USPN: 6,076,317)" and that "it [is] obvious to one of ordinary skill in the art to modify Hellwig (USPN: 6,076,317) to include a predefined path defined by a rail to selectively deliver utilities to at least one portion of a work area."

Claim 70 (as amended) is in independent form and recites a “floor supported system for use in a work space for one or more users and configured to distribute utilities away from at least one furniture element having a top section carrying the utilities into the work space” comprising, in combination with other elements, a “utility delivery zone,” an “overhead utility beam moveably attached proximate one end to the furniture configured to supply utilities to the utility delivery zone so that users may gain access to utilities routed through the furniture at a point away from the furniture” and a “light fixture coupled to the beam” “wherein the utilities are routed to the overhead utility beam at or above the top section of the furniture.” Claims 71, 72, 79, and 80 depend from independent Claim 70 (as amended).

Claim 74 (as amended) is in independent form and recites a “wall supported system for use in a work space for one or more users and configured to distribute utilities away from at least one furniture element having a top section carrying the utilities into the work space” comprising, in combination with other elements, a “utility delivery zone,” an “overhead utility beam moveably attached proximate one end to the furniture configured to supply utilities to the utility delivery zone so that users may gain access to utilities routed through the furniture at a point away from the furniture,” and a “light fixture coupled to the beam” “wherein the utilities are routed to the overhead utility beam at or above the top section of the furniture.” Claims 75, 76, 81, and 82 depend from independent Claim 74 (as amended).

Hellwig et al. '317 is directed to a “lightweight bridge for office paneling systems.”

Hellwig et al. '796 is directed to a “securing bracket.” “Each office panel 6 has a number of horizontal slots 8 which are exposed between the horizontal junction between vertically spaced decorative elements 12” (see col. 2, lines 36-47). “It is also possible to use these horizontal slots 8 and the securing bracket 20 for securing of other equipment, such as a light, generally shown as 60 in FIG. 1” (see col. 4, lines 4-7).

Verbeek et al. is directed to a “privacy screen for office paneling systems.” “The privacy screen 10 is moveable from the open position of FIG. 1 to the closed position of FIG. 2 where the workstation [9] is isolated from the hallway [11]” (see col. 2, lines 41-49).

The floor supported system” recited in independent Claim 70 (as amended) and the “wall supported system” recited in independent Claim 74 (as amended) would not have been obvious in view of Hellwig et al. '317, alone or in any proper combination with Hellwig et al. '796 and/or Verbeek under 35 U.S.C. § 103(a). Hellwig et al. '317, alone or in any proper combination with Hellwig et al. '796 and/or Verbeek does not disclose, teach or suggest a “floor

supported system” or a “wall supported system” comprising, in combination with other elements, a “utility delivery zone,” an “overhead utility beam moveably attached proximate one end to the furniture configured to supply utilities to the utility delivery zone so that users may gain access to utilities routed through the furniture at a point away from the furniture,” and a “light fixture coupled to the beam” “wherein the utilities are routed to the overhead utility beam at or above the top section of the furniture.”

To transform the “bridge arrangement” of Hellwig et al. '317, the “horizontal slots” and “light” of Hellwig et al. '796 and/or the “privacy screen” of Verbeek into a “floor supported system” (as recited in Claim 70) or a “wall supported system” (as recited in Claim 74) would require still further modification, and such modification is taught only by Applicants’ own disclosure. The suggestion to make the combination of Hellwig et al. '317, Hellwig et al. '796 and/or Verbeek has been taken from Applicants’ own specification (using hindsight), which is improper.

The “floor supported system” recited in independent Claim 70 and the “wall supported system” recited in independent Claim 74, considered as a whole, would not have been obvious in view of Hellwig et al. '317, Hellwig et al. '796 and/or Verbeek. The rejection of Claims 70-74, 76 and 79-82 over Hellwig et al. '317 in view of Hellwig et al. '796 and/or Verbeek under 35 U.S.C. § 103(a) is improper. Therefore, Claims 70-74, 76 and 79-82, which depend from independent Claims 70 or 74, are patentable over Hellwig et al. '317 in view of Hellwig et al. '796 and/or Verbeek. See 35 U.S.C. § 112 ¶ 4.

Applicants respectfully request withdrawal of the rejection of Claims 70-74, 76 and 79-82 under 35 U.S.C. § 103(a).

#### **Allowable Subject Matter**

On Page 9 of the Office Action, the Examiner stated that Claims 68 and 73 “are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.”

The Examiner provided the following statement of reasons for the indication of allowable subject matter:

Regarding claim 68, the prior art does not disclose, and it does not appear obvious to modify the prior art to disclose, a utility distribution system having the structural limitations of claim 57 and also having a retractable partition.

Regarding claim 73, the prior art does not disclose, and it does not appear obvious to modify the prior art to disclose, a utility distribution system having the structural limitations of claims 70 and 72, wherein the utility infeed is a flexible conduit within a recess in the top of the furniture.

While the Applicants agree that the allowable claims recite a combination of subject matter that is patentable over the cited references, the Applicants do not necessarily agree with or acquiesce in the statement of reasons for allowance given by the Examiner. Moreover, the Applicants note that the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons than those given by the Examiner. The Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance in connection with the present Application or in any other future proceeding.

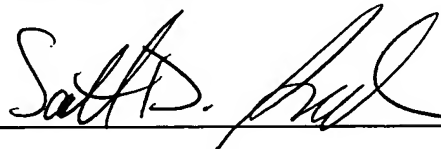
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The Applicants respectfully submit that each and every outstanding objection and rejection has been overcome, and the present Application is in a condition for allowance. The Applicants request reconsideration and allowance of pending Claims 57-83.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date 10/1/03

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